

ISA

January 16, 1962

Mr. Edward R. Carvey, President  
United States National Student  
Association  
3437 Chestnut Street  
Philadelphia 4, Pennsylvania

Dear Mr. Carvey:

Thank you for your detailed letter of January 12, 1962, and its enclosures. I had not in any way confused in my own mind the United States National Students Association with the International Union of Students. In any matter of this sort, however, it is useful to have complete facts, such as you have furnished us.

If Peter T. Jones is the one I know, now working in Common Market trade problems for Secretary Hedges, he is an outstanding contribution to the Government.

Very truly yours,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

5 1963

44 4/14/63

BN:SJB:arg

Mr. Staige D. Blackford  
Director of Research  
Southern Regional Council, Inc.  
5 Forsyth Street, N. W.  
Atlanta 3, Georgia

Dear Mr. Blackford:

In your letter of March 22, 1963, you ask me to identify certain southern counties in which racially discriminatory practices have been abandoned, with respect to voting, and other counties in which such practices have been abandoned in the operation of schools, as a result of negotiations instituted by the Department of Justice.

On April 4, 1963, the Department of Health, Education, and Welfare disclosed the identities of twelve southern school districts which had agreed to make non-racial school assignments of children living on federal property. These school districts, and the military bases to which they relate, are as follows:

FLORIDA

- Hillsborough County (MacDill AFB)
- \*Okaloosa County (Eglin AFB and Hurlburt AFB)
- \*Santa Rosa County (Whiting Field Naval Air Station)

TENNESSEE

Shelby County (Memphis Naval Air Station)

TEXAS

- \*Abilene Independent School Dist. (Dyess AFB)
- \*Mineral Wells ISD (Camp Wolters)
- Colorado Cons. School Dist. No. 36 (Bergstrom AFB)
- \*Burkburnett ISD (Sheppard AFB)
- \*Potter County Cons. School Dist. No. 3.  
(Amarillo AFB)
- Conally Cons. Ind. School Dist. (Conally AFB)

CC: Records

Chron.

Mr. Barrett

✓ Mr. Marshall

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- 2 -

The districts which I have marked with an asterisk are those with respect to whose desegregation the Department of Justice participated with the Department of Health, Education, and Welfare in obtaining. In addition to the school districts named, the Department procured an agreement from the Monroe County School Board, Key West, Florida, for the abandonment of discrimination in the assignment of federally-connected children. The identities of three other districts which have agreed with HEW to desegregate (one of which has additionally made such agreement with this Department) are not being disclosed, because of difficulties which the local officials anticipate in the event of such disclosures. For the same reason that I am not at liberty to disclose the names of the three school districts mentioned above, I must decline to give you the names of the five counties in which discriminatory voting practices have been abandoned as a result of negotiations by this Department. The centering of public attention upon these counties could well cause the loss of the very real progress that has been achieved.

Sincerely,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

64W  
3 January 1964

The Reverend Canon Richard Williams  
Special Assistant to the Bishop  
Diocese of Washington  
Mount Saint Alban  
Washington 16, D. C.

Dear Canon Williams:

Thank you for sending me the copy of your sermon. I saw news accounts of it and have been interested to read it. I have told you before what a contribution the churches are making to keeping our national conscience operating in the area of race relations. Maybe it is, as you say, the lay leaders more than the clergy. But all of you at the Cathedral have helped. And I think that having this moral problem as a great national challenge is in its own way helpful to the churches, and has recently given many a purpose they were seeking.

Very truly yours,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

*A good year to you.*

*R. Williams*

Sermon preached by Canon Richard Williams,

Washington Cathedral, December 29, 1963.

Different people collect different things. For example, one person may collect teapots, another old silver, or sick jokes. It may be first editions. Others collect eighteenth century folk music, or the bright sayings of children. Someone must have also collected New Year's resolutions - unusual ones, that is, such as, "I am not going to help any old ladies half-way across the street and leave them there." Last year, just about this time, I heard a New Year's resolution that has been with me all year. On the surface, I think it would be classified as kind of wry out. The resolution was: During the coming year I am not going to make any graven images.

I would like to take it from there and use as the subject of this sermon "graven images." Let's start with where the term comes from. It is in the Second Commandment: Thou shalt not make to thyself any graven images; thou shalt not bow down to them nor worship them. May I remind you of something you all know. In the words of scripture, the Ten Commandments were given because of the hardness of men's hearts. They were not intended to inspire anyone, or to encourage creativity. To oversimplify, they were to protect the sensible citizen from the stupid citizen, and to protect the stupid citizen from himself. The Ten Commandments are no more or no less legal or holy than the law which says: No person shall operate any kind of an aircraft without a license applicable to the type and kind to be flown. Laws such as this, and the Ten Commandments, are, as I mentioned, laws of protection. We may sleep better because of them, but they are not very inspiring. On the other hand, because we are human and therefore, pardon the word, sinful, we are prone to seek in our human pride and to make for ourselves a make-believe world. We then live in a state of unreality. Rules, laws and commandments, therefore, can be very valuable in bringing us back to reality.

Take our subject or text: Thou shalt not make to thyself any graven image. I don't think God or Moses will mind if we change two words so that the text reads: Thou shalt not make of thyself a graven image, and thou shalt not bow down to thyself or worship thyself. Not very inspiring, but perhaps valuable, and if given some consideration it may protect us from our own stupidity as well as innocent bystanders. To say "during the coming year I am not going to make any graven image" may not be so far out as it is far in.

Let me digress from this idea of graven image for a moment, and return to my earlier mention of sinfulness as being comparable to making and living in a make-believe world. In my mind, when it is functioning at its best, only God and His creation are real. Therefore, to be separated in any fashion - mental, spiritual, emotional, physical - from the world of God as He has ordered it is unreal. It is make-believe; it is sinful. Ignorance of reality or of God is no excuse. The result is the same. One who lives in a make-believe world, a state of unreality, lives in a state of sinfulness. To be blunt, and in other words, I am just as dead from drinking poison even though I thought it was orange juice as I would be if I knew it to be poison. Death is real. Regardless of a \$10,000 funeral, man's effort to make death make-believe is to no avail.

Now it is in this make-believe world that we make ourselves and others into graven images. I can't from here see the expressions on the faces of everyone in the congregation, but I can imagine that someone, on hearing me just say that we make graven images, is now saying, with a look of surprise, "Who makes graven images in this enlightened age?" At the risk of being frivolous, I am reminded of a cartoon I saw, in which one woman was saying to another woman about a third woman, "She looks just like sculptured marble." The second woman replied, "How true. The plastic surgeon and Elizabeth Arden have created a thing of temporary beauty." However, to make ourselves into a graven image physically is in no way as serious as what we are prone to do with our minds, our emotions and our spirit. But of course you can't separate them. An affluent friend of mine who is able to write with such candid honesty about his family that his words give hope rather than depress, described his daughter as follows: "At this point Penny, now 16, seems almost hopeless. For two hours she has been getting ready for a date and has just appeared. She looks like a ragamuffin just out of a wind tunnel. She calls it 'the real, non-obsessional, carefree look of poverty'. The truth is at this point the child is unreal, compulsive, anxiety-ridden, and rich." If only teen-agers made of themselves inward and outward graven images, but they have only learned their lesson well from their elders.

Now, I don't particularly like to, but I will endeavor to be fair about this. I have been talking to you about you for a little over half of this sermon, so now let me say a few words about the clergy in this make-believe world.

The conscience and its resulting action of the lay leaders of our country is still far out ahead, I believe, of the clergy of our country. This is true not only of Episcopalians but of Protestants and of Roman Catholics. The clergy are too often only concerned with their public image. They are on commissions and committees for fair housing, equal employment, and so forth. Sad to say, too often their interest is not a matter of conscience or theological conviction, but a concern for their public image. Right here at this great National Cathedral where there are three outstanding schools and a graduate college, one must raise the question why are there no Negro teachers? The answer certainly could not be because there are no qualified Negro teachers, or that some of us are not on committees and commissions of equal employment - there are other answers. On the other hand, the clergy because of this public image business, are missing the great opportunity of being theological advisers to such outstanding thinkers as the economist John Galbraith. One could not praise his recent speech on the elimination of poverty too highly, yet because of his seeming lack of theological understanding or because he does not have a close theological adviser with whom his ideas might be constantly tested and verified, Mr. Galbraith's speech could have had greater depth of insight. For example, Mr. Galbraith is reported to have said "to the best of my knowledge there is no place in the world where well educated people are really poor." Any theological adviser could point out to Mr. Galbraith, and I think he would accept it for its value, that to be well educated does not guarantee the elimination of the meaninglessness of life, bitterness, resentment, pride, anger, selfishness, nor hate. Mr. Galbraith would, I think, concur with the fact that only a life, a whole life, a whole being, a whole person, resulting from a theological faith, hope, understanding can give meaning and love to life, and if such a life is well educated all the greater will be the meaning, creativity, productivity, and reward.

But economists and politicians are not going to listen to clergy image-makers. The clergy of our country would do well to take heed, for instance, to the words of Mr. James Turrentine, the president of Family Service Association, when he spoke recently to their national convention and said, "We can focus attention on the terrible damage done to the family by slum housing, the lack of health care, segregation, and prejudice. We shall become obsolete if we do not examine and become concerned about the critical problems of our people. I am talking about housing, race relations, employment, health, education, and even culture and beauty. We must discard old patterns of thought and create fresh approaches. We must concern ourselves with the conditions that make sound family life impossible." Such thoughts as these for the clergy of our country can and must be born out of deep theological conviction, and not mere statements to present a facade, an image to the public.

Maybe we expect too much of each other. Maybe we expect that the other fellow should quit making of himself a graven image in a make-believe world. But that does not excuse me for my being responsible for myself and you being responsible for yourself. Christ said, "A new commandment I give you, Thou shalt love one another as I have loved you." And, in the first lesson today we read "He hath showed thee, O man, what is good; and what doth the Lord require of thee but to do justly and to love mercy and to walk humbly with thy God." Requires? Yes, these are the requirements if, if one wants to be a real person in a real world. Or, you can be a graven image in an unreal world.

If you want a New Year's resolution, let it be: During the coming year I will endeavor to make no graven images.

24 December 1963

John M. Pratt, Esquire  
National Council of Churches  
475 Riverside Drive  
New York 27, New York

Dear Jack:

Thank you for sending me Zinn's article. He is often quite loose with the facts, here and elsewhere, but there is no question that the situation in Mississippi is deplorable, in this and all areas.

Regards,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division



24 December 1963

John M. Pratt, Esquire  
Counsel to the Commission on  
Religion and Race  
475 Riverside Drive  
New York 27, New York

Dear Jack:

Thank you so much for your very  
full and informative letter on the  
Church Peace Mission. It is beyond the  
call of duty, took some work, and I  
appreciate it.

Regards,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

42  
3 November 1963

The Reverend Arthur E. Walsley  
Executive Secretary  
The National Council  
815 Second Avenue  
New York 17, New York

Dear Reverend Walsley:

Thank you for your letter. I  
very much enjoyed meeting with your  
legislative conference. In response  
to your question about the "compromise"  
bill, I am enclosing a copy of a speech  
I made Saturday.

Regards,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

42  
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Burke Marshall  
Assistant Attorney General  
Civil Rights Division

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*BN: SJB:arg*  
*AUG 6 1963*  
*religious groups*

Louis P. Oberdorfer  
Assistant Attorney General

St. John Barrett  
Second Assistant  
Civil Rights Division

Continuing contacts with religious leaders.

The purpose of this memorandum is to outline our present contacts with the various religious groups growing out of the White House Conference with religious leaders on civil rights in June, and to make certain recommendations.

To date representatives of this Department have been dealing primarily with the following groups:

1. Continuation Committee of the National Conference on Religion and Race.

The National Conference on Religion and Race was convened in Chicago in January of this year, composed of 70 nation-wide religious denominations and organizations from all of the three major faiths--Catholic, Jewish, and Protestant. The Conference designated a "Continuation Committee" to follow up some of the action of the Conference itself. The Committee was given specific authority to foster interracial-interfaith committees at the local level. The Committee was given no other authority for action, although it was apparently expected to continue as a point of contact and information exchange between the various religious groups on problems of race relations.

The Committee is presently budgeted for a one-year continuation through May 31, 1964. However, less than half of the budgetary support committed by the three major faiths has actually been paid. The Committee has a full-time Executive Director in New York and a part-time Field Secretary in Chicago. It is presently engaged through an interfaith subcommittee in organizing interfaith committees at the local level.

2. Emergency Commission on Religion and Race of the National Council of Churches.

The National Council of Churches is an inter-denominational Protestant organization, representing virtually all of the

cc: Records Chron. Mr. Marshall Mr. Barrett

3. Communities in which schools have not desegregated and are not subject to a court order but in which conditions are such that a minimum amount of affirmative community pressure could result in voluntary steps toward desegregation.

4. Identities of business enterprises which have changed from a policy of discrimination to one of non-discrimination but which are suffering economically because of white boycotts, harassment, etc. We have already provided this type of information to both the women's group and the religious group in a few instances to permit them to stimulate support at the local level for the desegregating business concerns.

5. Identities of communities in which we have had complaints of police misconduct. Dr. Spike does not wish to have the results of any investigation nor our evaluation of the complaints. The mere fact that there have been complaints would alert local church leaders to the need for frequent jail visitations, attendance at court proceedings, discussions with police officials, etc.

6. Threatened closing of governmentally-operated facilities, such as parks, libraries, swimming pools, golf courses, etc., in order to avoid desegregation.

7. Copies of press clippings regarding conduct by churches and churchmen in order that the national church leaders can write appropriate commendatory letters or take corrective action, as the case may be.

The information referred to in the above seven items has been obtained by this Department from governmental, public, and private sources. Some of it has been obtained in connection with our informal efforts to identify racial trouble spots and to avoid serious trouble by means of conciliation.

I think the information alluded to in items 1, 2, and 6 relating to bi-racial committees, desegregating schools and closing of governmental facilities can be furnished to the religious groups as a matter of course. Although our information is drawn partly from governmental and private sources, it

is largely information that is a matter of public notice. It is not information which we have obtained in connection with any specific law enforcement function of the Department. I think we could stand ready to furnish this same information to any individual or organization having a legitimate interest in obtaining it.

Item 7, relating to press clippings of church events, is of minor importance, involves a slight amount of trouble on our part, and is information drawn exclusively from public sources. I think we can supply it.

Items 3 and 4, relating to communities in which schools are susceptible to voluntary desegregation and to business enterprises suffering economic reprisals, are more difficult. Information regarding the possibility of voluntary school desegregation necessarily involves a judgment by this Department as to which communities are susceptible and which are not. While we are in a pretty good position to form such a judgment I doubt whether we should furnish a judgment which will be the basis of action by private groups. It would be a different matter if the church groups made their own list of communities in which they might seek to induce school desegregation and then ask us for whatever specific information we might have bearing on this situation. In short, I think they should focus on the community and then consult us, rather than our directing their attention to communities which, in our judgment, are subject to influence.

Item 4, relating to economic reprisals against desegregating businesses, is also difficult. There seems no problem in our furnishing information from public sources, such as newspapers. Where the sources are not public, however, I suppose we would not be willing to furnish the same information to other groups who might desire it and who might have a less benign purpose than the church groups. Perhaps the furnishing of this information can best be left on an ad hoc basis. In many instances we can probably suggest that the businessman directly contact the religious group either at the local or national level.

I believe that we cannot properly furnish the religious groups information described in item 3 regarding our receipt of police brutality complaints. These complaints are obtained or received by the Department in connection with our specific law enforcement function. However carefully we hedge our transmittal, giving the requested information to the religious groups would

amount to directing their attention to particular communities as places of possible police abuse. We can, of course, answer specific inquiries by the church groups regarding particular cases or complaints that have come to their attention from other sources.

B. Religious Group to which information should be provided.

I think there would be a number of advantages in directing any information which we provide as a matter of routine to the Continuation Committee of the National Conference on Race and Religion. First, the committee is a broader-based interfaith group so it could not be said we are being selective in whom we dealt with. Second, it would be convenient to service all the religious groups by a single transmittal and leave it to the committee to disseminate the information further. Third, it would insulate us at least one step from groups that are taking "direct action" over which we have no control and would possibly avoid the suspicion that the Department was actively "promoting demonstrations," etc. Fourth, the Chairman of the Committee is J. Irwin Miller, who is also President of the National Council of Churches and is the churchman to whom the President has looked for leadership in matters arising from the White House Conference.

The disadvantages of using the Continuation Committee as a conduit for information from this Department are several. First, its staff is both inadequate and is divided between Chicago and New York. Second, it has budget problems which threaten its continued existence. Third, Dr. Spike, who heads the Emergency Commission of the National Council of Churches and whose group is the one with the greatest capacity to get things done, opposes having any administrative "superstructure" which will insulate his commission from this Department.

I think it would be well to discuss with Mr. Miller the desirability of using the Continuation Committee for formal transmittals of information from this Department to the religious community. It may be that the committee itself can be beefed up and given a more adequate staff so that all of the faiths would be satisfied in its being used for this purpose. Our funneling routine transmittals through the committee would not, of course, preclude direct contact between the Department and staff members of the other religious groups regarding particular racial situations as they may arise.

**C. Coordination between the religious groups and other of the White House groups.**

With respect to those of the White House groups which intend an active program to promote better race relations and racial justice at the community level, there is a need for coordinating their activities. This coordination should relate to the following:

1. Procedure for exchange of information on key community leaders who could be contacted.
2. Priorities to be assigned to different communities for affirmative action.
3. Steps being taken for the formation of bi-racial committees at the community level.

Those attending the meeting should include, at the minimum, Mrs. Norton, from the Womens Group, Dr. Spike, Mr. Ahmann, Reverend Weaver, Mrs. Petersen, and someone from this Department. It should probably also include a representative of the Jewish faith - perhaps Rabbi Hiatt or Mr. Murray. I think that Mr. Ahmann's attendance (he is both Executive Director of the National Catholic Conference for Inter-racial Justice, and Field Secretary of the Continuation Committee of the National Conference on Race and Religion) will provide sufficient representation for the Catholics. However, if Rabbi Hiatt attends I suppose that Father Cronin should also be included.

I think it would be well if the representatives of the various groups at the meeting had prepared to bring with them:

- (1) Lists of local contacts in Southern states arranged by community.
- (2) A list of communities in which their group has either taken steps to form a bi-racial committee or has actually formed such a committee.
- (3) Its own priority list of communities for further action.
- (4) Its own priority list of subject matters for action, i.e., school desegregation, police brutality, public accommodations, employment, etc.



It seems to me that this Department and other agencies in the federal government should take as minimal a part as possible in the conduct of such inter-group meetings and the formulation of the plans of the private groups. To get things rolling, however, we might make a contact to arrange such a meeting and suggest at least a skeletal agenda.

RECOMMENDATIONS

I think the following steps should be taken at this time:

1. Discuss with Mr. Miller the feasibility and desirability of transmitting informational items intended for the religious groups through the Continuation Committee of the National Conference on Race and Religion.
2. Set up a meeting between the leaders of the Womens and religious groups to coordinate their activities.

*ben Muse  
file*

January 29, 1963

Mr. Benjamin Muse  
Post Office Box 312  
Manassas, Virginia

Dear Mr. Muse:

Mr. Marshall has asked me to send  
to you a copy of the Attorney General's  
annual letter to the President on the  
field of civil rights. It is enclosed.

Sincerely,

Linda K. Stores  
Secretary to  
Mr. Marshall

Enclosure



*Memo*

Sep. 26

# KING EDWARD HOTEL

JACKSON, MISSISSIPPI • BEAUMONT, TEXAS

ADDRESS REPLY TO:

Memo for Mr. Marshall - M

This may be of interest.

Mayor Thompson referred quite respectfully to "Mr. Robert Kennedy, its Attorney General," who, he said should to inquire if help was needed. His reply: "No. We can handle it."

Ben Muse

FOR SMART SURROUNDINGS AND FINE FOOD

A DONAS WILDER ENTERPRISE

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2K

4 November 1963

The Honorable William C. Battle  
Ambassador to Australia  
American Embassy  
Canberra, Australia

Dear Mr. Ambassador:

The Attorney General sent to me the clipping from a Sydney Communist newspaper printing a letter from King. I am quite sure it is a form letter, although even his clerks should have better sense than to send it to a Communist Party group in Australia. It may have been that their message to King was in the name of a "citizens' committee" or something equally innocuous on its face.

King may be naive, and foolish, but he is not a Communist, so far as we know.

Best regards,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

12C  
N.A.A.C.P.

March 31, 1961

Mr. Clarence Mitchell  
Director, Washington Bureau  
100 Massachusetts Avenue, N.W.  
Washington 1, D.C.

Dear Mr. Mitchell:

Thank you for responding so promptly to my request for a copy of the statement which you made last year to the staff of the Civil Rights Division.

This is a very difficult problem in law enforcement and involves a very complicated set of statutory authority at the Department's disposal. I think that the limits of our statutory authority have not yet been fully explored.

When I have had a chance to study your statement in more detail, I will let you have my views at greater length.

Very truly yours,

Burke Marshall

0      CJB      P

March 31, 1961

Mr. Aaron L. Henry  
Coshema County Branch NAACP  
220 - 5th Street  
Clarksdale, Mississippi

Dear Mr. Henry:

The White House has referred to us your telegram of March 29 relating to the incident in Jackson, Mississippi, involving allegations of assaults with clubs and police dogs by the police of Jackson, Mississippi, against Negroes engaging in peaceful demonstrations in connection with the trial of nine Negroes arrested for a sit-in on Monday in the Jackson Municipal Library.

When the Department was informed of this occurrence, we instituted an immediate investigation and have received reports with respect to the incident from the Federal Bureau of Investigation and local leaders in Jackson. We have received assurances from responsible leaders in Jackson that no unnecessary force will be used by the police there. We are continuing to investigate the incident on Wednesday and have asked for further facts on the situation in Jackson generally.

Very truly yours,

Durke Marshall  
Special Assistant  
to the Attorney General

Mr. Doar

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HRT.JR/JP

December 20, 1960

Robert L. Carter, Esquire  
General Counsel  
National Association for the  
Advancement of Colored People  
Twenty West Fortyeth Street  
New York 18, New York

Dear Mr. Carter:

I have your letter of December 13th.

In all candor, I must confess that we have been so busy in this Division with respect to matters in New Orleans, Tennessee, etc., that neither I nor my associates have been able to focus as much as we would like on the question of airport segregation or discrimination.

However, it is true, as I advised you by telephone some weeks ago, that we are making specific plans in this field. Consequently, I hope you will permit me to telephone you during the first week of January, when I trust we will have reached a point where our work is sufficiently advanced to be discussed.

Yours sincerely,

HAROLD A. TYLER, JR.  
Assistant Attorney General  
Civil Rights Division

CIO

(11)

N.A.A.C.P.

HRT, JR:dkr

June 1, 1960

Thurgood Marshall, Esquire  
Suite 1790  
10 Columbus Circle  
New York 19, New York

Dear Mr. Marshall:

I am still hopeful that I will have an early opportunity to talk to you about certain matters, including some correspondence from you directed recently to the Civil Rights Division of the Department. Unfortunately, you are a hard man to pin down, and now I have problems of time, etc., on this end.

Accordingly, once again I ask you to consult your schedule and see whether or not it will be feasible for you to visit my office in Washington within the next several weeks.

Very truly yours,

HAROLD R. TYLER, JR.  
Special Assistant to  
the Attorney General  
Civil Rights Division



## Office Memorandum • UNITED STATES GOVERNMENT

TO : Harold R. Tyler, Jr., Special  
Assistant to the Attorney General

DATE: May 24, 1960

FROM : Philip Marcus  
Voting & Elections Section

SUBJECT:

I regret to inflict the reading of this memorandum on you but at our initial conference you expressed the hope that I might have some ideas, good, bad or indifferent, in connection with the work of this Division. I did make an attempt to see you in connection with the following matters last week but you apparently were too busy.

These matters arise out of the meeting we had with Mr. Mitchell of the NAACP.

1. Mr. Mitchell in his talk emphasized discrimination in connection with travel or transportation. In the Antitrust Division we represented the Interstate Commerce Commission in many matters. We opposed the Commission in a considerable number of matters; we intervened in numerous of their proceedings; and not infrequently we initiated proceedings before the Commission. I can't say we were always successful but we did make the Commission well aware of the existence of the antitrust laws and of the point of view of an agency of the government entrusted with the enforcement of such laws.

I should like to suggest that in connection with travel discriminations we might well try to effect some such relationship with the Commission if such relationship does not now exist. I do not know any of the Commissioners, but I do know the General Counsel, Robert Ginnane. Mr. Ginnane was in the Office of the Solicitor General for a number of years. I have known him for a considerable number of years and I think quite highly of him. He might be our initial contact. I should be glad to speak to him if you so desire, or, better yet, it might be well for you to invite him to a conference with you on this matter. I think that if we could get him interested in the Commission's taking a more active role in this field, he could get the Commission to do so. We would always be free, if we felt they were dragging their feet, to take action in or out of the Commission.

2. Mr. Mitchell complained that the NAACP sent complaints to the Division and then did not hear about them. You stated that you would see to it that the NAACP would be advised to the extent that we were at liberty to do so of the reasons why action was not taken by us in connection with particular complaints submitted by them.

I think this is a fine idea; but based upon my years of being a member of the Department of Justice, I feel quite certain that unless you embody this policy in the form of a mimeographed office order, or in some other written form, it is likely to have a short life. If you care to, I shall be glad to explain further the basis of this suggestion.

3. Mr. Mitchell referred to the matter of economic reprisals against those Negroes who have made some attempt to register or vote in some parts of the South. I think we might well explore the possibility of bringing some test suits under Sections 241, 242 and 594 of Title 18 since the threat or actual act of reprisal is a method of intimidation. It might be possible to find an appropriate case where we would also use the Sherman Antitrust Act and possibly take the position that the Sherman Act gives an individual a right to be free from arbitrary economic coercion which brings into play the Civil Rights Statute. I think that if we filed about four such cases around the same time, this would have a far-reaching effect, even if ultimately we lost one or all of such cases. The very fact that the cases might be pending for a number of years prior to being decided by the Supreme Court would itself, I believe be a strong deterrent to this type of economic coercion.

4. Intervention or appearing as amicus curiae. Mr. Mitchell stated or intimated that in a number of civil rights fields it has been private persons who have taken the initiative and have succeeded in having a remedial rule of law laid down by the Supreme Court. In the antitrust field there has been a considerable amount of private litigation. The government in a number of instances has come in to such litigation either by way of intervention or as amicus curiae. In a few instances the Antitrust Division has even written letters to the court, with copies to counsel, in which a point of view has been expressed. In very large part this has been done at the Appellate level, but in some instances at the trial stage.

In this field where reprisal is a very real factor, we might well keep advised of the private suits in the field and as to those matters concerning which a suit is contemplated, with the idea, having in mind our own manpower problems and other factors, of intervening or coming in from time to time as amicus curiae at certain stages of such cases. This might possibly eliminate the problem, in a number of instances, of whether the government has a right to bring an action itself.

NAACP

St. John Barrett  
Second Assistant, Civil Rights Division

April 20, 1960

HRT, JR/dkr

Harold R. Tyler, Jr.  
Special Assistant to the Attorney General

Telephone call from Mr. Thurgood Marshall of the  
N.A.A.C.P.

As I told you yesterday afternoon, the Deputy Attorney General received a call at that time from Mr. Thurgood Marshall. According to Judge Walsh, Mr. Marshall apologized for not having called me earlier and added that he would get in touch with me later this week. Moreover, Mr. Marshall requested that the Department look into the following: two episodes:

1. The bombing of the home of Alexander Looby, an attorney for the NAACP.
2. A telephone call from an unidentified person to the Headquarters of the NAACP from Memphis, Tennessee, wherein, as I understand it, the caller stated that although he was a segregationist, he had been asked to contribute money for the purpose of purchasing acid to hurl upon youthful Negro demonstrators in and about Memphis. Apparently this caller is supposed to have stated that "this was going too far for him."

I am exceedingly dubious about the accuracy or bona fides of the latter report. Moreover, I can not conceive of any possible Federal jurisdiction in the matter.

With respect to the bombing, this, of course, presents a different problem. Although I am not certain that we have Federal jurisdiction, I think it would be well to imaginatively consider the possibility. Also, you might be able to ascertain informally from the Bureau whether or no: they are looking into this matter.

N.A.A.C.P.

St. John Barrett  
Second Assistant, Civil Rights Division

April 20, 1960

HRT, JR/dkr

Harold R. Tyler, Jr.  
Special Assistant to the Attorney General

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*Highlander*

October 10, 1961

Robert L. Randall, Esq.  
701 Union Trust Building  
Washington 5, D.C.

Dear Bob:

Under separate cover today I sent you a copy of the letter which I have written to Commissioner Caplin. I think it would not be helpful to your client's application or general cause if my involvement in this were to become an issue. I do not have complete faith in the discretion of your client, and am accordingly constrained to suggest (without requesting, since the letter is a formal one) that you not disclose it.

With my best regards,

Burke Marshall

typed 10-9-61

BM:mc  
146-1-70-32

OCT 10 1961

Robert L. Randall, Esq.  
Covington & Burling  
Union Trust Building  
Washington 5, D. C.

Dear Bob:

Re: Highlander Research and  
Education Center, Inc.

Thank you for your letter of September 28, and  
the copies of the documents which you filed on behalf  
of the Highlander Research and Education Center, Inc.

For your information, I am enclosing a copy  
of a letter which I have written to Commissioner Caplin  
in this connection. I do not know whether it will be  
of value to your efforts, but feel that the factors  
which are stated in the letter should be called to the  
attention of the Internal Revenue Service.

I would suggest that you protest the matter in  
whatever way would be normal. Whether that involves  
asking for a conference is a matter within your competence,  
and not within mine. The denial of Highlander's petition  
for certiorari would seem at least to create an occasion  
for asking for a conference.

I wish you every success in this undertaking.  
As the letter to Commissioner Caplin states, I believe  
that the work done by Highlander has been of social  
usefulness.

With my best regards,

Sincerely,

BURKE MARSHALL  
Assistant Attorney General  
Civil Rights Division

Enclosure

cc: Records  
Chrono  
Mr. Marshall

*Highlander*

BN:mc  
146-1-70-32

October 9, 1961

Honorable Mortimer M. Caplin  
Commissioner, Internal Revenue Service  
Washington 25, D. C.

Dear Commissioner Caplin:

I am informed that a Form 1023 and attachments have been filed with the Office of the District Director of Internal Revenue in Nashville, asking for a tentative exemption ruling under Section 501(c)3 for the Highlander Research and Education Center.

Since I have had some official knowledge of the activity of the predecessor organization to Highlander, I am taking the liberty of writing you in order to let you know what I know of the work of this organization in the area of the race relations problems existing in some of the Southern states.

The predecessor organization had its charter revoked under a decision of the Supreme Court of Tennessee which purports to be limited to violations of State law. The validity of the ruling of the Supreme Court of Tennessee was the subject of a petition for certiorari filed with the Supreme Court of the United States, which was denied today. I became acquainted with the activities of the school in connection with a request that the Department of Justice participate as amicus in support of that petition.

For your information, I am enclosing a copy of the petition for certiorari filed by Highlander Folk School. It was the conclusion of the Solicitor General and myself that no federal question of general enough importance was clearly enough presented by the case to warrant our participation in the case as amicus. Nevertheless, my own study of the situation led us to believe that the statement of the case which appears in the petition for certiorari is substantially correct. I think that the

cc: Records  
Chrono  
Mr. Marshall

- 2 -

events leading to the revocation of the charter of Highlander Folk School were primarily caused by resentment against the school because of its race relations work in the State of Tennessee and elsewhere, and because the school was conducted on a bi-racial, integrated basis. This was a stated and explicit reason for the revocation of the charter by the trial court, but was not relied upon by the Supreme Court of Tennessee. I also believe, as a matter of constitutional law, that the revocation of the charter of the school on that basis would have been unconstitutional.

I am calling these matters to your attention with the request that they be given consideration in determining whether the application for an exemption by the successor organization to Highlander should be given prompt consideration. In my view, the proposed activities of the school in the area of race relations, and particularly in connection with voting education through citizenship classes, should be of value.

I do not, of course, express any view at all as to whether the successor organization - Highlander Research and Education Center, Inc. - is entitled to an exemption under the statute or under the regulations and practices of the Internal Revenue Service. I did wish, however, to call your attention to the factors stated above.

I am most grateful for whatever consideration you give to this letter.

Very truly yours,

BURKE MARSHALL  
Assistant Attorney General  
Civil Rights Division

Enclosure



BM:jlc  
146-1-70-32

September 6, 1961

Mr. Raymond S. Rubinow  
55 Fifth Avenue  
New York 3, New York

Dear Mr. Rubinow:

Ed Silberling has asked me to reply to your letter of August 17, 1961, with respect to the petition for certiorari filed by the Highlander Folk School in the United States Supreme Court asking the Court to review the decision of the Tennessee Supreme Court upholding the revocation of the school's charter.

The Department has very carefully and sympathetically considered the question whether the United States could and should properly file an amicus brief supporting the petition of the Highlander Folk School. I have personally discussed the matter with counsel for the school and have read the draft petition prepared by them.

There are two obstacles to a participation by the United States in the case. One is the difficulty in isolating a Federal question out of the state law grounds upon which the Supreme Court of Tennessee purported to decide the case. The other is the fact that the United States cannot participate in a case involving private parties in the Supreme Court unless some legal question of general interest to the United States is involved.

After thorough discussion of these problems and the case, the Solicitor General and I agreed that there was no basis upon which the United States could take any action. I have so informed counsel for the Highlander Folk School.

We appreciate your interest in this matter.

Very truly yours,

cc: Records  
Chrono  
Mr. Marshall ✓

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

cc: Mr. Edwin Silberling

(Highlander)

August 29, 1961

Mr. James M. Dabbs, President  
Southern Regional Council, Inc.  
5 Forsyth Street, N.W.  
Atlanta 3, Georgia

Dear Mr. Dabbs:

The Attorney General has asked me to reply to your letter of July 25, 1961, with respect to the petition for certiorari filed by the Highlander Folk School in the United States Supreme Court asking the Court to review the decision of the Tennessee Supreme Court upholding the revocation of the school's charter.

The Department has very carefully and sympathetically considered the question whether the United States could and should properly file an amicus brief supporting the petition of the Highlander Folk School. I have personally discussed the matter with counsel for the school and have read the draft petition prepared by them.

There are two obstacles to a participation by the United States in the case. One is the difficulty in isolating a Federal question out of the state law grounds upon which the Supreme Court of Tennessee purported to decide the case. The other is the fact that the United States cannot participate in a case involving private parties in the Supreme Court unless some legal question of general interest to the United States is involved.

After thorough discussion of these problems and the case, the Solicitor General and I agreed that there was no basis upon which the United States could take any action. I have so informed counsel for the Highlander Folk School.

We appreciate your interest in this matter.

Very truly yours,

cc: Records  
Chrono  
Attorney General  
Mr. Marshall ✓

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

BM:jle  
146-1-70-32

August 23, 1961

Professor Kermit Eby  
The Division of the Social  
Sciences  
The University of Chicago  
Chicago 37, Illinois

Dear Professor Eby:

The Attorney General has asked me to reply to your letter of July 12, 1961, with respect to the petition for certiorari filed by the Highlander Folk School in the United States Supreme Court asking the Court to review the decision of the Tennessee Supreme Court upholding the revocation of the school's charter.

The Department has very carefully and sympathetically considered the question whether the United States could and should properly file an amicus brief supporting the petition of the Highlander Folk School. I have personally discussed the matter with counsel for the school and have read the draft petition prepared by them.

There are two obstacles to a participation by the United States in the case. One is the difficulty in isolating a Federal question out of the state law grounds upon which the Supreme Court of Tennessee purported to decide the case. The other is the fact that the United States cannot participate in a case involving private parties in the Supreme Court unless some legal question of general interest to the United States is involved.

After thorough discussion of these problems and the case, the Solicitor General and I agreed that there was no basis upon which the United States could take any action. I have so informed counsel for the Highlander Folk School.

We appreciate your interest in this matter.

Very truly yours,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

cc: Records  
Chrono  
Attorney General  
Mr. Marshall ✓

*Highlander*

BN:jla  
146-1-70-32

July 19, 1961

Lloyd K. Garrison, Esq.  
Paul, Weiss, Rifkind  
Wharton & Garrison  
575 Madison Avenue  
New York 22, New York

Dear Mr. Garrison:

I am also looking forward to meeting you on July 23. I have great hopes for the ultimate results of that meeting.

The Department is presently studying the record and opinions in the Highlander Folk School case to determine whether a federal question is presented upon which the United States might appropriately comment to the Supreme Court. If none is presented, there is of course no action that the Department can take. I have personally had considerable discussions with Mr. Horton's lawyers on the matter.

We appreciate your expression of interest and of support for Mr. Horton's conduct of the School's activities.

Very truly yours,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

cc: Records  
Chrono  
Mr. Marshall

July 18, 1961

Professor Theodore Bransld  
School of Education  
Boston University  
332 Bay State Road  
Boston 15, Massachusetts

Dear Professor Bransld:

Thank you for your letter and the expression of interest in the Highlander Folk School matter. The case is receiving our thorough consideration to see if a federal question is presented upon which the Department of Justice could appropriately comment in a brief. If none is, the Department of course can take no action, whatever the value of the work done by the School in the past.

Very truly yours,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

July 18, 1961

Mr. W. H. Perry  
The Fund for the Republic, Inc.  
Box 4068  
Santa Barbara, California

Dear Ping:

I am delighted to hear from you and to learn of your interest in the Highlander Folk School case.

Myles Horton and the School of course have my sympathy. Whether they can dredge a substantial federal question out of their lawsuit is another matter. Covington & Burling are trying to help and the possibility of a Justice Department brief is being given most thorough consideration. It is, however, a very tough case, and we may not have enough to go on.

Please give my warm and affectionate regards to Buchanan and your other colleagues.

With best wishes,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

**June 30, 1961**

**Cecil D. Branstetter, Esq.  
Crownover, Branstetter & Folk  
216 Third Avenue, North  
Nashville 3, Tennessee**

**Dear Cecil:**

**Thank you for your letter of June 28 and the copy of the Covington & Burling letter. I would be most interested to see the draft of the petition for certiorari which you intend to file. Perhaps you could send us a copy at the time that you send a copy to Mr. Horsky.**

**I greatly appreciated your hospitality in Nashville and hope to see you again soon.**

**Very truly yours,**

**Burke Marshall  
Assistant Attorney General  
Civil Rights Division**

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Burke Marshall  
Assistant Attorney General  
Civil Rights Division

DATE: July 3, 1961

FROM : JD John Dear  
First Assistant

JD/ma

SUBJECT: Alabama - Middle District - Voting

Groh and Parsons have surveyed every county in the middle district of Alabama. Aside from the counties where we are now working, Russell and Barbour appear to be the only other ones where discrimination exists.

A registration drive could well be made in the following counties:

Butler  
Chambers  
Chilton  
Coffee  
Coosa  
Covington  
Crenshaw  
Dale  
Geneva

Henry  
Houston  
Lee  
Pike  
Randolph  
Tallapoosa

We are going to have a problem keeping track of the progress in these counties because of the inaccurate Negro registration information.



UNITED STATES GOVERNMENT

# Memorandum

TO : Voter registration file

DATE: July 31, 1961

FROM : Burke Marshall  
Assistant Attorney General  
Civil Rights Division

SUBJECT: July 28, 1961, meeting of Taconic Foundation

On July 28, at the invitation of Stephen Currier, I attended a meeting at the offices of the Taconic Foundation in New York City at which a number of Negro leaders were invited to discuss voter registration and the possibilities of raising charitable foundation money for a voter registration drive.

Mr. Currier was present and was accompanied by his counsel, Lloyd Garrison. In addition, Harris Wofford was present, also at the invitation of Mr. Currier, to observe.

I was asked to state the legal responsibilities of the Department of Justice in the voter registration field, and did so. Otherwise there was general discussion in the group as to private efforts which could be made by the various organizations in cooperation with the Southern Regional Council, to encourage voter registration by Negroes, both nationally and in the South.

The following representatives were present from the following private organizations:

John Wheeler - Southern Regional Council  
Timothy Jenkins - National Student Association  
Martin Luther King - Southern Christian  
Leadership Conference  
Vernon Eagle - New World Foundation  
Robert Carter - NAACP  
Lester Granger - Urban League  
Whitney Young - Urban League  
Roy Wilkins - NAACP  
Judge Justine Polier - Taconic Foundation  
James Farmer - CORE

*Highlander*

August 24, 1961

BN:jlc  
146-1-70-32

Mr. Albert Mayer  
Mayer Whittlesey & Glass  
31 Union Square  
New York 3, New York.

Dear Mr. Mayer:

Thank you for your letter of August 9, 1961, with respect to the petition for certiorari filed by the Highlander Folk School in the United States Supreme Court asking the Court to review the decision of the Tennessee Supreme Court upholding the revocation of the school's charter.

The Department has very carefully and sympathetically considered the question whether the United States could and should properly file an amicus brief supporting the petition of the Highlander Folk School. I have personally discussed the matter with counsel for the school and have read the draft petition prepared by them.

There are two obstacles to a participation by the United States in the case. One is the difficulty in isolating a Federal question out of the state law grounds upon which the Supreme Court of Tennessee purported to decide the case. The other is the fact that the United States cannot participate in a case involving private parties in the Supreme Court unless some legal question of general interest to the United States is involved.

After thorough discussion of these problems and the case, the Solicitor General and I agreed that there was no basis upon which the United States could take any action. I have so informed counsel for the Highlander Folk School.

We appreciate your interest in this matter.

Very truly yours,

cc: Records  
Chrono  
Mr. Marshall ✓

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

AUG 3 1981

BM:jle  
146-1-70-32

Cecil D. Branstetter, Esq.  
Crownover, Branstetter & Polk  
216 Third Avenue, North  
Nashville 3, Tennessee

Re: Highlander Folk School v.  
State of Tennessee ex rel.  
A. F. Sloan

Dear Cecil:

We have given very thorough and earnest consideration to the request that the United States support by way of an amicus brief the petition for certiorari which you intend to file in the above case this week. I am sure that it is unnecessary to state that the consideration has been sympathetic and that we have given full weight to every factor which would support the United States in taking such action.

We have concluded that there is no sound basis on which the United States could file an amicus brief in this case. In part this is due to the very great difficulties which exist in establishing the existence of any federal question at all. I know that you are as aware of this difficulty as I am. An additional obstacle, however, which we found it impossible to overcome is in not finding a general question in the case of interest to the United States, or any general question which could be put to the Supreme Court in terms which affected other matters of legal interest to the United States.

In the course of our consideration of this matter, I have discussed it fully with the Solicitor General. We both independently and in conference arrived at the same conclusion.

cc: Records  
Chrono  
✓ Mr. Marshall

- 2 -

I realize that this decision will be a disappointment to Mr. Horton. I hope that you will nevertheless let me express my best wishes for success in your efforts on his behalf.

Very truly yours,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

bcc: Mr. Charles A. Morsky

**FILE**

*Highlander*  
**August 2, 1961**  
**JKN: jaj**

**Jerome K. Heilbron, Attorney**  
**Civil Rights Division**

While I was away from Washington on July 25, I received a telephone call from Mr. Brooks Hayes, Assistant Secretary of State. Upon my return to Washington on July 31, 1961, I made an effort to get in touch with Mr. Hayes by telephone but was not successful in reaching him until August 1, 1961. Mr. Hayes told me that he had called me about the following matter:

Mr. Hayes had received a copy of a letter which had been sent to the Attorney General by Mr. W. H. Baldwin of New York City. Mr. Baldwin's letter to the Attorney General was dated July 11, 1961 and was, in substance, a request that the Civil Rights Division of the Department of Justice file an amicus brief in the case involving the Highlander Folk School located near Mont Eagle, Tennessee. Mr. Hayes stated that he personally knew one of the leading supporters and teachers at the school, namely Miles Horton - that Mr. Horton had married a lady with whom Mr. Hayes had a long acquaintance.

Mr. Hayes stated that he didn't want to take any active part in this matter but felt that he was sufficiently interested to try and find out what, if anything, the Civil Rights Division was doing about the matter.

Mr. Hayes advised me that he was informed that the State of Tennessee was endeavoring through legal action to close down the school and put it out of business.

After talking to Mr. Hayes I immediately discussed the tenor of his conversation with Mr. John Dear since Mr. Burke Marshall was out of the office. Mr. Dear advised me to discuss the matter with Mr. Harold Greene as Mr. Greene was currently working on it.

cc: Gsh Chrono  
Doan  
Putzel


Mr. Greene advised me concerning the nature of the action taken by the State of Tennessee to revoke the charter of the Highlander Folk School and further told me that although the matter was under discussion no definite decision had been made by the Civil Rights Division concerning whether we would or would not file an amicus brief in this case or take any other formal action in the nature of entering an appearance in the matter although we had assisted private attorneys in an informal manner regarding the issues involved.

I phoned Mr. Brooks Hayes back on the morning of August 1, 1961 and advised him that the Civil Rights Division was interested in the matter, that Mr. Burke Marshall was aware of the case and that attorneys here were taking the matter under advisement. I also discussed with Mr. Hayes the problem that the Civil Rights Division was faced with, namely, before we could actively participate there must be some violation of Federal law upon which we could "hang our hat". Mr. Hayes stated that he understood the problem we were faced with, thanked me for calling him and for our interest in the matter and asked me to keep him advised relative to the status of the case.

UNITED STATES GOVERNMENT

# Memorandum

TO : Voter Registration File

FROM :  Burke Marshall  
Assistant Attorney General  
Civil Rights Division

SUBJECT: Taconic Foundation meeting

DATE: September 1, 1961

On August 23, I attended a meeting at the offices of the Taconic Foundation in New York at which there was further discussion of the proposal of a coordinated voter registration drive, organized and financed through the Southern Regional Council, to be conducted by the interested groups represented at the meeting.

Those present were:

Stephen Currier - Taconic Foundation  
Lloyd Garrison - Taconic Foundation  
Harold Fleming - Potomac Institute  
Henry Moon - N.A.A.C.P.  
Timothy Jenkins - National Student Association  
Harris Wofford - observer  
James Farmer - CORE  
Whitney Young - Urban League  
Wyatt Walker - Southern Christian Leadership  
Conference  
John Wheeler - Southern Regional Council  
Leslie Dunbar - Southern Regional Council  
Charles McDew - Student Nonviolent Coordinating  
Committee  
Martin Luther King - Southern Christian Leadership  
Conference

I was not called upon to make any formal or informal statement as to the Department's policies, procedures or practices at the meeting.

The group represented at the meeting agreed to consider a proposal to be prepared by the Southern Regional Council for presentation to the Taconic Foundation as a request for funds. The proposal will state

- 2 -

that it has the consent and approval of the organizations listed above. Accordingly, if that consent and approval is not given to the Southern Regional Council proposal, no request for funds will actually be made.

cc: Attorney General



UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

# Memorandum

DATE: May 28, 1962

TO : Burke Marshall  
Assistant Attorney General  
Civil Rights Division

FROM : Theodore R. Newman, Jr.  
Constitutional Rights Unit

SUBJECT: Meeting of the Committee of Inquiry  
Into the Administration of Justice  
in the Freedom Struggle

As requested by you, I attended the meetings of the Committee held in Washington on May 25th-26th. The members of the Committee who were present at various times included Mrs. Eleanor Roosevelt, Mr. Norman Thomas, Mr. Joseph Rauh, Mr. Cuthbertson (a white attorney from Sumter, South Carolina), Mr. James Baldwin, Rev. Gardner Taylor, and Dr. Kenneth Clark. The interrogation of witnesses was conducted by Mr. Carol Rachle and a Mr. Watts. Among the witnesses appearing before the Committee were Ronnie Moore (concerning Southern University and Baton Rouge); Weldon Rougeau (same); Rev. B. Elton Cox (Baton Rouge); Bob Zellner (McComb, Mississippi, the Brenda Travis case, criminal anarchy case in Baton Rouge, and Talladega, Alabama); Robert Moses (Mississippi voting, the Herbert Lee case and police activity, ie. brutality, denial of equal protection and due process, in Liberty, Mississippi), Albert Bigelow, James Peck, Rev. Robert Brown, (all concerning various Freedom rides including the Anniston and Birmingham incidents); Frank Nelson (Freedom Rides in Jackson and Poplarville, Mississippi, and unlawful arrest and police brutality in New Orleans, Louisiana); Jerome Smith (arrests in New Orleans, Jackson, McComb and Baton Rouge with police brutality in the latter); Eric Weinberger (police brutality in Brownsville, Tennessee); Henry Thomas (denial of protection by law enforcement officials in Huntsville, Alabama including the mustard gas incident); Gerald Johnson (police brutality and denial of equal protection in Talladega, Alabama); Charles McLaurin (Jackson, Mississippi State Fair incident); C. B. King (Albany demonstrations and courtroom seating incident); Louis Lusk (due process in the Jackson prosecutions of Freedom Riders and the legal aspects of the Freedom Struggle with particular reference to the bail situation and the role of the Department of Justice); and James Farmer (Jackson, Mississippi and the Freedom Struggle in general). I am attaching the written statements of these witnesses and of other persons who did not attend.

The hearings consisted of oral statements of the witnesses and questions asked both by the counsels and members of the Committee. The statements of several of the witnesses, as well as the questions of several members of the Committee, indicated the feeling that the Civil Rights Division was not doing all that it could do in the Freedom Struggle. Particular reference was made to the infrequent prosecution of police brutality cases where persons taking so called direct action were the victims. Also, the Department was criticized for refusing to provide protection for witnesses who contemplated testifying or had testified before state agencies and tribunals. The Department was also criticized for the fact that we have not sought to enjoin state court prosecutions in the Freedom Struggle with the exception of U. S. v. Wood. Since I have discussed these matters with you in person, I shall not go into any detail concerning them.

The Federal Bureau of Investigation was roundly criticized by many of the witnesses and this critical attitude was also evidenced by the questions of several members of the Committee. The general tenor of these criticisms was that the Special Agents were not interested at all in civil rights cases, were perfunctory in their investigations, did not pursue all available leads, and in several cases were outspokenly critical of the activities of those engaged in direct action in the Freedom Struggle.

Mr. Lusky, in response to a question by Rev. Taylor, stated that he felt that the Civil Rights Division was dedicated and conscientious but that our jurisdiction was limited and that other legal barriers prevent our being more effective. He stated that he thought we are doing an excellent job. He stated he had no knowledge of the performance of the Bureau.

The use of police dogs against persons engaged in the Freedom Struggle was discussed with particular interest shown by Norman Thomas.

The selection of Federal Court judges was also discussed at some length with Mrs. Roosevelt pointing out some of the practical political aspects, re. Senatorial courtesy.

The entire proceeding was recorded by court reports. CORE contemplates have a transcript made.

March 23, 1962

Mr. James Forman  
Executive Secretary  
Student Nonviolent Coordinating  
Committee  
197 1/2 Auburn Avenue, N.E.  
Atlanta 3, Georgia

Dear Mr. Forman:

Your letter of March 14, 1962, asks for so much information about our jurisdiction that I would prefer to respond to questions at a meeting sometime.

The Department is currently supporting very strongly Congressional action to eliminate poll taxes and control the abuse of literacy and such tests. We have also recommended legislation to eliminate some of our prosecution difficulties in police brutality cases. There are several other pending proposals on which we have commented favorably, and in the past the Department has favored various measures which have failed.

It would take a great deal of time to give details on the history of the Department's position on legislation. But I do not understand that that is what you want. If you want to know what legislation is most possible and most strongly backed at this time, it is the specific bills I have referred to. Once we make progress there, we will see what areas most need corrective legislation next.

I would be delighted to have your comments.

Very truly yours,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division



# Student Nonviolent Coordinating Committee

135  
1974 Auburn Avenue, N.E.  
Atlanta 3, Georgia

MUrray 8-0331

March 14, 1962

Mr. Burke Marshall  
Assistant Attorney General  
Civil Rights Division  
Department of Justice  
Washington 25, D.C.

Dear Mr. Marshall:

Thank you for your letter of March 12, 1962. We would also like to acknowledge receipt of your letters dated March 6th and March 12th to Charles McDew, Chairman of the Student Nonviolent Coordinating Committee.

As you may know we are extremely appreciative of the dynamic position the Justice Department has taken in many cases of violations of civil rights. However, it would be advantageous for us to know the specific scope of Federal Civil Rights. It would be advantageous to have information about desired Federal legislation that the Department has backed at one time or another and failed to obtain through Congress. Then, too, some dialogue about needed civil rights legislation would be helpful, if this is not covered in former legislation sought from Congress.

Sincerely yours,

*James Forman*

Charles McDew, Chairman  
Student Nonviolent Coordinating  
Committee

James Forman, Executive Secretary  
Student Nonviolent Coordinating  
Committee

JF:CM/nfc

TELEGRAM  
SPECIAL

WUT162 WUB144 PA285

P BR343 LONG NL PD BALTIMORE MD 16

ASSISTANT ATTORNEY GENERAL, BURKE MARSHALL, CIVIL RIGHTS DIV

DEPT OF JUSTICE WASHDC

ATTN MRS JANE EVANS SEC. AT A FULL MEETING OF THE STUDENT NONVIOLENT

COORDINATING COMMITTEE IN BALTIMORE THIS WEEKEND EXTENSIVE

DISCUSSIONS OF OUR FUTURE PROGRAM INDICATES THAT THERE WILL

BE INCREASING NEED FOR SUSTAINED LIAISON WITH YOUR OFFICE IN

THE FUTURE. IN THE LIGHT OF THIS WE SHOULD LIKE TO REQUEST

A DEFERMENT OF THE APPOINTMENT GRANTED US FOR MONDAY AFTERNOON

JULY 17TH AT 200 OCLOCK PM WE REGRET ANY INCONVENIENCE TO YOU

AND YOUR OFFICE OCCASIONED BY THIS REQUEST AND HOPE THAT YOU

WILL FIND IT POSSIBLE TO GRANT US ANOTHER AUDIENCE AT A LATER

DATE

MR CHARLES MCDEW CHAIRMAN.

1017A EDT JUL 17 61

1961 JUL 17 AM 11:52  
DEPARTMENT OF JUSTICE  
ADM. RECORDS BRANCH  
TELEGRAPH OFFICE

**Office Memorandum • UNITED STATES GOVERNMENT**

TO : Harold R. Tyler, Jr., Special  
Assistant to the Attorney General

DATE: May 24, 1960

FROM : Philip Marcus  
Voting & Elections Section

SUBJECT:

I regret to inflict the reading of this memorandum on you but at our initial conference you expressed the hope that I might have some ideas, good, bad or indifferent, in connection with the work of this Division. I did make an attempt to see you in connection with the following matters last week but you apparently were too busy.

These matters arise out of the meeting we had with Mr. Mitchell of the NAACP.

1. Mr. Mitchell in his talk emphasized discrimination in connection with travel or transportation. In the Antitrust Division we represented the Interstate Commerce Commission in many matters. We opposed the Commission in a considerable number of matters; we intervened in numerous of their proceedings; and not infrequently we initiated proceedings before the Commission. I can't say we were always successful but we did make the Commission well aware of the existence of the antitrust laws and of the point of view of an agency of the government entrusted with the enforcement of such laws.

I should like to suggest that in connection with travel discriminations we might well try to effect some such relationship with the Commission if such relationship does not now exist. I do not know any of the Commissioners, but I do know the General Counsel, Robert Ginnane. Mr. Ginnane was in the Office of the Solicitor General for a number of years. I have known him for a considerable number of years and I think quite highly of him. He might be our initial contact. I should be glad to speak to him if you so desire, or, better yet, it might be well for you to invite him to a conference with you on this matter. I think that if we could get him interested in the Commission's taking a more active role in this field, he could get the Commission to do so. We would always be free, if we felt they were dragging their feet, to take action in or out of the Commission.

2. Mr. Mitchell complained that the NAACP sent complaints to the Division and then did not hear about them. You stated that you would see to it that the NAACP would be advised to the extent that we were at liberty to do so of the reasons why action was not taken by us in connection with particular complaints submitted by them.

I think this is a fine idea; but based upon my years of being a member of the Department of Justice, I feel quite certain that unless you embody this policy in the form of a mimeographed office order, or in some other written form, it is likely to have a short life. If you care to, I shall be glad to explain further the basis of this suggestion.

3. Mr. Mitchell referred to the matter of economic reprisals against those Negroes who have made some attempt to register or vote in some parts of the South. I think we might well explore the possibility of bringing some test suits under Sections 241, 242 and 594 of Title 18 since the threat or actual act of reprisal is a method of intimidation. It might be possible to find an appropriate case where we would also use the Sherman Antitrust Act and possibly take the position that the Sherman Act gives an individual a right to be free from arbitrary economic coercion which brings into play the Civil Rights Statute. I think that if we filed about four such cases around the same time, this would have a far-reaching effect, even if ultimately we lost one or all of such cases. The very fact that the cases might be pending for a number of years prior to being decided by the Supreme Court would itself, I believe be a strong deterrent to this type of economic coercion.

4. Intervention or appearing as amicus curiae. Mr. Mitchell stated or intimated that in a number of civil rights fields it has been private persons who have taken the initiative and have succeeded in having a remedial rule of law laid down by the Supreme Court. In the antitrust field there has been a considerable amount of private litigation. The government in a number of instances has come in to such litigation either by way of intervention or as amicus curiae. In a few instances the Antitrust Division has even written letters to the court, with copies to counsel, in which a point of view has been expressed. In very large part this has been done at the Appellate level, but in some instances at the trial stage.

In this field where reprisal is a very real factor, we might well keep advised of the private suits in the field and as to those matters concerning which a suit is contemplated, with the idea, having in mind our own manpower problems and other factors, of intervening or coming in from time to time as amicus curiae at certain stages of such cases. This might possibly eliminate the problem, in a number of instances, of whether the government has a right to bring an action itself.